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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/045,611	10/25/2001	Ryota Hata	M2047-27	1017
7278	7590	03/19/2004		EXAMINER
DARBY & DARBY P.C. P. O. BOX 5257 NEW YORK, NY 10150-5257				WU, XIAO MIN
			ART UNIT	PAPER NUMBER
			2674	

DATE MAILED: 03/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	10/045,611	HATA ET AL.
	Examiner XIAO M. WU	Art Unit 2674

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 06 January 2004.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-16 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) 3,4,11 and 12 is/are allowed.

6) Claim(s) 1,2,6-10 and 14-16 is/are rejected.

7) Claim(s) 5 and 13 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

- Certified copies of the priority documents have been received.
- Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
- Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)  
6) Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 7-9, 15-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Izumi (US Patent No. 6,219,021).

As to claims 1, 9, Izumi discloses an electronic apparatus comprising: a display panel (2, Fig. 3); a lighting means (3, Fig. 3) for lighting the display panel; a parameter adjusting means (5, 8, Fig. 3) for, with variation in a light state of the lighting means as a trigger (e.g. the backlight is turned on), adjusting a parameter (e.g. adjusting the size of the characters) participating in picture quality so as to conform the light state; a signal correcting means for inputting a display signal and correcting an input display signal (e.g. changing the size of the characters displayed on the screen) in accordance with an adjusted parameter; and a driving means for driving the display panel on the basis of a corrected display signal (see Figs. 6A-6D, also col. 8, lines 26-42).

As to claims 7, 15, Izumi discloses that an area used to stored profile information about a device that has generated the display signal, wherein the signal correcting means corrects the display while taking this profile into account (see Fig. 7).

As to claims 8, 16, Izumi discloses an operating means that accepts operation of a user, and control means for inputting operational information from the operating means (see Fig. 4), when operational information is not input continuously during a fixed time, the control means turns off the lighting means, and with this turn-off as a trigger, cause the parameter adjusting means adjust the parameter participating in picture quality so as to conform al light state. For example, when a preset time is passed, the backlight is turned off and the size of characters is returned to initial size.

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 2, 6, 10 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Izumi (US Patent No. 6,219,021) in view of Evanicky et al. US Patent No. 6,611,249).

It is noted that Izumi does not disclose the parameter includes information used for tone reproduction curve correction or a white balance adjustment. Evanicky is cited to teach a LCD display device including a backlight source similar to Izumi. Evanicky further discloses a tone reproduction curve correction and a white balance adjustment upon receiving a light-sensing signal from a light-sensing device (see Figs. 6, 9, 11A, and 11B). It would have been obvious to one of ordinary skill in the art to have modified Izumi with the features of the tone and white balance correction as taught by Evanicky so as to improve the viewing condition upon different lighting situations.

***Allowable Subject Matter***

6. Claims 3, 4, 11 and 12 are allowed.
7. Claims 5 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

8. Applicant's arguments filed 1/6/2004 have been fully considered but they are not persuasive.

With respect to claims 1 and 9, applicant argues that Izumi fails to disclose adjusting parameters which relate to tone reproduction, hue, color, white balance, and edge enhancement. This argument is not persuasive because claims 1 and 9 do not require the parameter is related to tone reproduction, hue, color, white balance, and edge enhancement. Claims 1 and 9 only require the parameter participating in picture quality so as to conform the light state. Izumi

clearly discloses changing display form of data for improving visibility of the data on a display and/or by varying a light-emission time period of the backlight depending on the volume of the data (col. 2, lines 46-49). Thus, Izumi's display form of data clearly read on the "parameter" as recited in claims 1 and 9.

***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Xiao Wu whose telephone number is (703) 305-4721.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe, can be reached on (703) 305-4709.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9306**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377

xw  
March 17, 2004



**XIAO WU**  
**PRIMARY EXAMINER**  
**ART UNIT 2674**